

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB Docket No. 05-
311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

COMMENTS OF BRONXNET

These Comments are filed by The Bronx Community Cable Programming Corporation, d/b/a BRONXNET, in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, BRONXNET believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

The Bronx is a borough with a population of close to 1.4 million. Our franchised cable provider(s) is Cablevision, but RCN also provided cable service to the Bronx for many years. Our community has negotiated cable franchises since 1983.

Our Current Franchise

Our current franchise began on October 1998 and expires on October 2008.

Our franchise requires the cable operator to pay a franchise fee to The City of New York in the amount of 5% of the cable operator's gross revenues. The revenues

for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have 4 channels devoted to public access; 1 channel devoted to educational access; and 4 channels devoted to government access in the Bronx.

Our franchise allows for capital support for PEG Access and other public interest services in the amount of \$3.75 per subscriber per month for programming services, .63 cents per subscriber for media production training services to the public, and .60 cents per subscriber for equipment repair and maintenance. The franchise also provided for a one time capital grant for facilities and equipment.

PEG Access Services

BRONXNET has provided access services in our community for since 1993. We cablecast on four channels: 67, 68, 69, & 70, 24 hours a day, seven days a week. Below are the highlights of our services to the community:

- BRONXNET has trained over 4000 Bronx residents in television production.
- Hundreds of BRONXNET trained producers utilize BRONXNET's studios and field production equipment for free to produce programming for their neighbors every month.
- We've helped build careers with our Training Program for Future Media Professionals, where we've given hundreds of high school and college students, hands on production training and production experience.
- Coverage of community planning forums, town hall meetings, and neighborhood board meetings through Bronx Currents.
- Community-produced television programming for special interests (such as – seniors-, non-English-speaking, ethnic and cultural groups, youth, people with disabilities, advocacy groups, health care, etc.)
- Over 1000 not-for-profits and governmental agencies have been served by our organization through appearances on our programs, studio facilities and training support, and/or production services.
- BRONXNET spotlights local artists while entertaining viewers with NY Emmy nominated, Cable Ace award winning performing arts programming.

- Staff-produced television programming on topics of interest to the local community.
- Dedicated channel capacity specifically for non-profit organizations to air locally-produced programming.
- Dedicated channel capacity specifically for religious organizations to air locally-produced programming.
- Hotline studios for live, interactive programs that allow local experts to answer viewer questions in English, Spanish, and other languages.
- Local news coverage (not on local broadcast stations).
- Grants to produce community programming.
- Media literacy and production training for neighborhood based community organizations and individuals.
- Studio and field production courses and special workshops.
- Video production facilities including studio, field, editing, and graphics.
- Support to Media Training Centers in local schools and senior centers, enhancing learning opportunities for students.
- Satellite program reception and redistribution.
- Technical design, installation, and maintenance support.
- Video bulletin board with text and graphics for community announcements.
- Open mic format service such as a free speech soap box.
- Local political coverage, candidate platform statements and candidate debates during campaign season.
- Distance learning: Programming delivered to public and private institutions, facilitating distribution of for-credit instruction.
- Gavel-to-gavel coverage of educational governance proceedings.

- "E-School": Programming delivered to the home via video, e-mail, and web-based content. Can include support to traditional learning (such as "Homework Hotline") or fully-electronic course delivery.
- Production, support, and distribution for non-credit classes and job training.
- Distribution of community college and university educational programming.
- Internet access at public sites.
- Computer literacy training for youth.
- Free viewing of cable service at selected public sites.
- Unique non-local programming available via satellite feed such as Arts Showcase, Mind Extension University, and SCOLA or other international news.
- Gavel-to-gavel coverage of state legislative sessions, hearings, and other select proceedings.
- Gavel-to-gavel coverage of local government meetings/hearings and other select "local" governmental proceedings.
- Viewer questions answered during live call-in segments of government meetings.
- Interactive participation in government meetings at community sites.
- Election night coverage.

Competitive Cable Systems

- Our community granted a competitive franchise to RCN, a cable overbuilder, a decade ago and that provider until recently provided service in areas of the Bronx.

Conclusions

Public, Educational, Governmental (PEG) Access Television and respect for the public right of way provides for a forum for independent media, media literacy

and education, serves as a bridge between constituents and their leaders, contributes to community development, and is a manifestation of our democratic ideals.

Let's look to the future of the public's interest in telecommunication's services, as technologies advance, services to the public can be enhanced. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in The Bronx. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The Bronx Community Cable Programming Corporation therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does

not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community’s property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

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